



PESTICIDE ESA NEWS

Washington State Department of Agriculture ➔ Endangered Species Program Newsletter

WSDA readying pesticide data for EPA

The Washington State Department of Agriculture (WSDA) is poised to send the latest peer-reviewed pesticide data to EPA. Over the past several months, WSDA has gathered and reviewed information about the current Washington State use practices for 8 specific pesticides:

- 1, 3-dichloropropene (Telone)
- coumaphos (Co-Ral)
- diflubenzuron (Dimilin)
- dimethoate
- metribuzin (Sencor)
- oxyfluorfen (Goal)
- pendamethalin (Prowl)
- tebuthiuron (Spike)

Although WSDA plans to have the pesticide use summaries to EPA by the end of June, "It's not too late for pesticide users, applicators or crop consultants to contribute technical information," said Bridget Moran, Endangered Species Program Manager. "Although we have begun the final review and formatting necessary to send the information to EPA, we want to be certain the data is as accurate as possible."

Accurate, local data benefits Washington agriculture by refining the EPA assessment of a pesticide's potential risk to salmon. "WSDA data has made the difference in effects determinations between 'likely' or 'not likely to adversely affect' salmonids. The effects determinations may trigger use mitigation measures which can include court-mandated buffers," said Moran.

Application buffers are required under the final order in Washington Toxics Coalition, et al., v. EPA for any of 54 pesticides that have not been reviewed by EPA for effects determination or for those pesticides that have been determined by EPA as "likely to adversely affect" salmonids.

After EPA completes the effects determinations for the active ingredients listed above, only 5 more pesticides require review under the court order. They are 2, 4-D, carbofuran (Furadan), lindane, malathion and triclopyr BEE (Garlon 4).

This summer, WSDA will begin compiling use practices for the remaining 5 active ingredients. EPA is scheduled to issue the effects determinations at the end of the year.

As required by its obligations under the Endangered Species Act (ESA), EPA will continue with its process to determine if the use of a specific pesticide has an effect on salmonids. ESA requires all pesticide active ingredients to undergo effects determinations. EPA will continue to make effects determinations in the following order: 1) new registrations, 2) re-registrations and 3) and old re-registration eligibility decisions (REDs). ➔



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QUESTIONS?

For more information about the Endangered Species Program, visit our Web site at
agr.wa.gov/PestFert/EnvResources/EndangSpecies.htm

We welcome your input. Please send your comments and questions to the WSDA Endangered Species Program at
esp@agr.wa.gov

Awareness

Action

Recovery

Subcommittee to review surface water report

The Pesticide Advisory Board ad hoc committee on surface water monitoring will meet in July to review the 2003-04 surface water sampling report. The final report is scheduled for publication in late July or early August.

For additional information or directions to the meeting to be held in Olympia, please contact Jim Cowles at (360) 902-2066 or Steve George, ad hoc committee chairman, at (509) 453-4749. You may also get information by sending an e-mail to esp@agr.wa.gov.



Intervenors continue appeals process.

CropLife America et al filed a second motion for stay against the U.S. District Court ruling in Washington Toxics Coalition, et al. v. EPA. The second motion was filed May 27 in the U.S. Court of Appeals for the Ninth Circuit.

The **final ruling in Washington Toxics Coalition, et al., v. EPA** establishes, with some exceptions, 20-yard (60 feet) buffers for ground applications and 100-yard buffers (300 feet) for aerial applications of certain pesticides around salmon-supporting waters. It also requires point-of-sale salmon hazard notifications for certain pesticide ingredients in urban areas.

Previously, CropLife America et al, the Washington State Potato Commission and the Washington State Farm Bureau filed motions for stay in both the District Court and the Ninth Circuit Court pending their respective appeals against U.S. District Court Judge John Coughenour's ruling.

The Ninth Circuit Court authorized Coughenour to rule first on the motions. If he did not issue his decision by May 25, CropLife and the other intervenors could re-file their motion to stay in the appellate court.

Coughenour denied the intervenors' request to drop his Jan. 22 order while the case is pending in the Ninth Circuit Court. Coughenour found that the motions "merely reiterate legal arguments that the Court already considered and rejected" and that the financial losses suffered by pesticide makers and others were not relevant. "The balance of hardships always tips sharply in favor of endangered species," wrote the judge in his denial.

Not only did Coughneour refuse the motions, he also sharply criticized EPA. "If EPA had expended as much effort in compliance with the ESA (Endangered Species Act) as it has expended in resisting this action, the lawsuit might have been unnecessary," he wrote.

The intervenors were successful in their request to have the appeal process expedited. The Ninth Circuit Court granted the request and CropLife and the other intervenors filed an opening brief on June 1. Comments from Washington Toxics Coalition et al are due by June 29. 🐟

Fish facts: Dogs don't jump

Chum salmon, commonly known as dog salmon, launch themselves almost horizontally from the water, falling lazily on their sides. In contrast, coho salmon or "silvers," are more acrobatic and have the ability to leap 6 feet in mid-air.

Photo credit: Harley Soltes//The Seattle Times

